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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,287	06/15/2000	Andrew W. Spyker	RSW9-2000-0042-US1	8796

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EXAMINER

NORRIS, TREMAYNE M

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 03/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/595,287

**Applicant(s)**

SPYKER ET AL.

**Examiner**

Tremayne M. Norris

**Art Unit**

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 1/27/04 have been fully considered but they are not persuasive. Applicant argues that McManis does not teach an automatically authenticated code with a first hash value embedded within in it. Examiner contends that McManis does teach a program executer receiving ANPrograms (authenticated code) with a hash value within (col.7 line 25 thru col.8 line 11) that a compiling party uses to verify the integrity of each ANProgram as it compiles it into an ASProgram (col.11 line 61 thru col.12 line 6).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 4-6, 11,12,14-16, 21, 22, 24-26 rejected under 35 U.S.C. 102(b) as being anticipated by McManis.

Regarding Claim 1, McManis teaches: A method of verifying the integrity of unauthenticated code, comprising:

- a. receiving automatically authenticated code, the automatically authenticated code including an embedded first hash value of the unauthenticated code (col. 10 lines 64-col.11 lines 1-2);
- b. receiving the unauthenticated code; generating a second hash value of the unauthenticated code (col. 11 lines 2-9);
- c. comparing the first hash value and the second hash value (col.11 lines 10-25);
- d. verifying the integrity of the unauthenticated code if the first hash value and the second hash value match (col.11 lines 10-25).

Regarding Claim 2, McManis teaches: a method wherein the automatically authenticated code is compiled platform independent code and wherein the unauthenticated code is native code (col.4 lines 31-38).

Regarding Claim 4, McManis teaches a method wherein the first hash value is obtained using a hashing function and wherein generating a second hash value of the unauthenticated code includes using the same hashing function as was used to obtain the first hash value (col.5 37-40, col.7 lines 34-36, and col.11 lines 2-9).

Regarding Claim 5, McManis teaches a method wherein the hashing function is identified based on information stored in the automatically authenticated code (col.8 lines 1-11 and col.10 lines 66-67 thru col.11 lines 1-2).

Regarding Claim 6, McManis teaches a method comprising executing the automatically authenticated code using a virtual machine, and sending a request to a server from which the automatically authenticated code was received, the request being for the unauthenticated code (col.4 lines 25-27 and col.8 lines 4-17).

Claims 11,12, 14-16, 21,22, 24-26 are rejected for the same reasons outlined above.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 10, 13, 20, 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McManis.

Regarding Claims 3, 13, 23, the examiner takes official notice that dynamically linked libraries are well known in the art as standardized code. It would be obvious to one of ordinary skill in the art to use a dynamically linked library as unauthenticated code for use of proper execution of platform independent code.

Regarding Claims 10 and 20, the examiner takes official notice that web browsers are well known in the art with use of virtual machines. It would be obvious to one of ordinary skill in the art to use a web browser on a client device in order to download applications and have their integrity verified through the virtual machine.

Claims 7-9, 17-19, and 27-29 rejected under 35 U.S.C. 103(a) as being unpatentable over McManis as applied to claim1 above, and further in view of Cordery et al. McManis teaches a method of verifying the integrity of unauthenticated code by comparing the first and second hash values to see if they match. McManis does not teach a method of repeating the process if the hash values do not match, however, Cordery et al do (col.5 lines 14-22). It would be obvious to one of ordinary skill in the art to employ a method of repeating the comparing step in order to determine if the code has been intentionally or unintentionally corrupted.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tremayne M. Norris whose telephone number is (703) 305-8045. The examiner can normally be reached on M-F 7:30AM-5:00PM alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 305-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tremayne Norris

March 1, 2004

*Matthew B. Smithers*  
**MATTHEW SMITHERS**  
**PRIMARY EXAMINER**  
*Art Unit 2137*